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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,365	09/11/2003	Farrag Abdelkarim Ali	3224/2	3003

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DENNISON, SCHULTZ, DOUGHERTY & MACDONALD  
1727 KING STREET  
SUITE 105  
ALEXANDRIA, VA 22314

EXAMINER
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LUU, MATTHEW

ART UNIT	PAPER NUMBER
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3663

DATE MAILED: 10/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/659,365

Applicant(s)

ALI, FARRAG ABDELKARIM

Examiner

LUU MATTHEW

Art Unit

3663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on October 19, 2005 (election by telephone).
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 8 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-7 is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/11/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Requirement, When Elected By Telephone***

During a telephone conversation with Mr. David Dougherty on October 19, 2005 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-7. Affirmation of this election must be made by applicant in replying to this Office action. Claim 8 is withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (U.S. Patent No. 2,221,274) in view of Saitoh et al (5,813,989).

Regarding claim 1, Taylor discloses (Fig. 1) a speed control device for a vehicle comprising:

a first control member (accelerator pedal 12, shaft 22, and knee bar 42) movable between an activated and an inactivated position for contacting a portion of an individual's leg (Page 1, column 2, lines 17-21);

foot activated means (accelerator pedal 12, rod 68, and arm 58) for bringing the first control member (12, 22, and 42) into contact with the leg of the individual;

means (accelerator rod 16 and shaft 22) for increasing and decreasing the speed of the motor vehicle in response to lateral movement of the first member (12, 22, and 42) (Page 1, column 1, lines 39-43; and column 2, lines 17-21); and (Page 2, column 2, lines 11-55).

The only difference between the disclosure of Taylor and the claimed invention is that the claim 1 requires a counter for indicating the number of times the speed of the vehicle has been increased by the lateral movement of the first control member.

However, Saitoh discloses (Fig. 2) a driving mental condition detecting apparatus for detecting a deterioration state of driving mental conditions such as sleepiness, fatigue, and impatience occurring in a driver on the basis of physiological data detected from the driver and road travel data of a vehicle derived from a navigation system, thereby generating an alarm.

Saitoh further discloses (Fig. 2) the system controller (32) reads out the information regarding the number of azimuth changing times of the vehicle and the "number of speed changing times of the vehicle" which have been stored in the memory (37) and transmits them to the CPU bus (100). The display (38) displays an image based on the video signal supplied. See column 3, line 37 to column 4, line 13.

Therefore, it would have been obvious to a person of ordinary skill in the art to use the display (38), as a counter, for displaying the number of speed changing times of the vehicle into the speed control device of Taylor to detect a deterioration state of

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driving mental conditions such as sleepiness, fatigue, and impatience occurring in a driver.

Regarding claim 2, Taylor further discloses (Fig. 1) the lateral movement of the first control member (12, 22, and 42) regulates the flow of fuel in the motor vehicle (Page 1, column 1, lines 39-43; and column 2, lines 17-21); and (Page 2, column 2, lines 11-55).

***Claim Rejections - 35 USC § 103***

Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginley (4,324,309) in view of Saitoh et al (5,813,989).

Regarding claim 1, Ginley discloses (Fig. 1) a speed control device for a vehicle comprising:

a first control member (gas control element 36) movable between an activated and an inactivated position for contacting a portion of an individual's leg (Column 2, line 63 to column 3, line 14; the activated position is the acceleration position and the inactivated position is the de-acceleration position);

foot activated means (the whole leg support mechanism of Fig. 1) for bringing the first control member (36) into contact with the leg of the individual;

means (gas pedal 16) for increasing and decreasing the speed of the motor vehicle in response to lateral movement of the first member (36) (Column 3, lines 11-14).

The only difference between the disclosure of Taylor and the claimed invention is that the claim 1 requires a counter for indicating the number of times the speed of the vehicle has been increased by the lateral movement of the first control member.

However, Saitoh discloses (Fig. 2) a driving mental condition detecting apparatus for detecting a deterioration state of driving mental conditions such as sleepiness, fatigue, and impatience occurring in a driver on the basis of physiological data detected from the driver and road travel data of a vehicle derived from a navigation system, thereby generating an alarm.

Saitoh further discloses (Fig. 2) the system controller (32) reads out the information regarding the number of azimuth changing times of the vehicle and the "number of speed changing times of the vehicle" which have been stored in the memory (37) and transmits them to the CPU bus (100). The display (38) displays an image based on the video signal supplied. See column 3, line 37 to column 4, line 13.

Therefore, it would have been obvious to a person of ordinary skill in the art to use the display (38), as a counter, for displaying the number of speed changing times of the vehicle into the speed control device of Ginley to detect a deterioration state of driving mental conditions such as sleepiness, fatigue, and impatience occurring in a driver.

Regarding claim 2, Taylor further discloses (Fig. 1) the lateral movement of the first control member (12, 22, and 42) regulates the flow of fuel in the motor vehicle

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(Page 1, column 1, lines 39-43; and column 2, lines 17-21); and (Page 2, column 2, lines 11-55).

### ***Allowable Subject Matter***

Claims 3-7 are allowed.

None of the prior art made of record teaches or suggests a counter for indicating the number of times the speed of the vehicle has been increased by the lateral movement of the first control member, in combination with, a second counter for indicating the number of times the flow of fuel has been increased by the second foot activated fuel control member, and a third counter for indicating the number of times that the brake pedal is depressed over a selected period of time or distance.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Nakamoto et al (4,561,527) disclose (Figs. 2 and 3) an improved parking brake system for a vehicle capable of switching the operation of the parking brake between an automatic control mode and a manual control mode at the operator's desire.

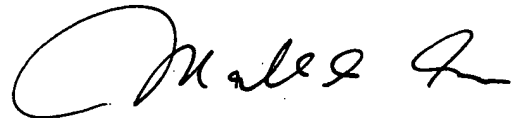
Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (571) 272-7663. The examiner can normally be reached on Flexible Schedule.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JACK KEITH can be reached on (571) 272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Luu

A handwritten signature in black ink, appearing to read 'Matthew Luu', with a large, stylized initial 'M'.

**MATTHEW LUU**  
**PRIMARY EXAMINER**